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'189 does not describe such methods but instead describes a method for treating a degenerate disc in order to stabilize a spinal motion segment. Similarly Kuslich '189 does not specifically recite the steps of the method for treating one or more compression fractures in a vertebra as claims 15-16 describe, the method of treating avascular necrosis of a femoral head as claims 17-18 describe, or the method of treating a tibial plateau having one or more fractures as claims 19-20 describe.

In Kuslich '189 a surgical method for stabilizing a spinal motion segment which includes the steps of forming a cavity in a diseased spinal *disc* positioned *between* adjacent vertebrae is described (see column 7, line 65 to column 8 line 14). Kuslich '189 does not teach a method wherein a step involves exposing an area of bone having an abnormality wherein the abnormality is selected from at least one member of the group consisting of: bone tumors, cysts, avascular necrosis of the femoral head, tibial plateau fractures, compression fractures of the spine and any combination thereof, as the instant claims describe.

In light of the above Applicants respectfully request withdrawal of the rejection.

#### FORMALITIES

If an extension of time is required to make this response timely and no separate petition is enclosed, Applicants hereby petition for an extension of time sufficient to make the response timely. In the event that this response requires the payment of government fees and payment is not enclosed, please charge Deposit Account No. 22-0350.

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**CONCLUSION**

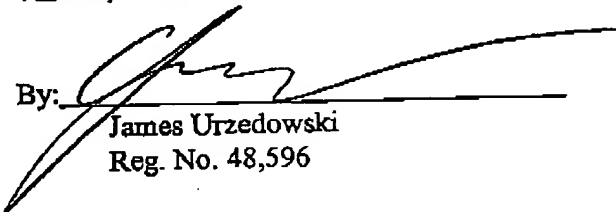
In view of the foregoing it is believed that the present application, with claims 1-13 and 15-20 is in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,  
VIDAS, ARRETT & STEINKRAUS, P.A.

Date:

6/18/03

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### MARKED COPY OF THE AMENDED CLAIMS

Please cancel claim 2 from the Application without prejudice or disclaimer.

Please replace claim 1 with the following amended claim:

1. (Twice Amended) A method of treating a bone abnormality in a body comprising the following steps:

exposing an area of bone having an abnormality, the abnormality being selected from at least one member of the group consisting of: bone tumors, cysts, avascular necrosis of the femoral head, tibial plateau fractures, compression fractures of the spine and any combination thereof;

forming at least one cavity in the bone, wherein a portion of the at least one cavity defines an opening;

inserting an expandable, empty fabric bag into the at least one cavity through the opening, the bag being formed of a fabric wall that includes a plurality of bag openings between about 0.25 to about 5.0 mm in diameter, the bag defining an interior and having an exterior; and

packing the bag through a fill opening with material that will support or promote bone growth through the fabric wall, the packing causing said bag to expand until the bag and material combination form a self-retaining rigid shape wherein the exterior of the bag is substantially in contact with the bone of the cavity, the plurality of bag openings constructed and arranged to substantially prevent the material from passing from the interior of the bag to the exterior of the bag.